

Crl.O.P.Nos.12278 and 12361 of 2015**R.SUBBIAH, J**

The petitioners, who were arrested on 29.11.2014 on execution of non bailable warrant, in S.C.No.192 of 2010 (Crime No.256 of 2010) on the file of the II Additional District and Sessions Judge, Poonamallee, for the alleged offence punishable under Sections 147, 148, 294(b), 324, 341, 307, 302, 506(ii) and 120(B) I.P.C., seeks bail.

2. The petitioners have been arrayed as A.15 and A.7 respectively. The case of the prosecution is that on 30.4.2010, on information from Sri Ramachandran Medical College Hospital, Porur, the respondent police went to the said hospital and enquired one Saravanan, who was doing real estate business and recorded his statement. In the said statement, he has stated that on 30.4.2010 at 1.15 hours, one Bhagavath Singh (deceased herein), Chinna @ Chinnakesavalu (deceased herein), Siyamala-Advocate, Josh Methiv, Jabar were waiting in a car for some personal work near Lara Enterprises Junction in Poonamallee High Road. At that time, some unknown persons came with Aruval and assaulted the said Saravanan,

Bhagavath Singh (deceased herein), Chinna @ Chinnakesavalu (deceased herein). The said Chinna @ Chinnakesavalu died on the spot and Bhagavath Singh and Saravanan were taken to the hospital, Porur and Bhagavath Singh died in the hospital. Hence, a case was registered and after completion of investigation, charge sheet was filed and it was taken on file as S.C.No.192 of 2010. Now, the case is pending for trial before the learned II Additional District and Sessions Judge, Poonamallee. It is the further case of prosecution that the petitioners herein are irregular in attending the above case and while the case was posted for framing charges, they failed to attend the Court and hence, non bailable warrant was issued against them and later, they were arrested on 29.11.2014 and produced before the Court.

3. Learned counsel appearing for the petitioners submitted that since the petitioners were arrested in connection with another case, they could not appear before the trial Court. Further, he has submitted that for the past seven months, the petitioners are in prison, but, till date, the trial has not commenced. Thus, he sought for bail.

4. Learned Government Advocate (Crl.Side) vehemently opposed for grant of bail to the petitioners stating that the petitioners are notorious criminals and they are having bad antecedence and if they are released on bail, they will once again abscond.

5. In fact, this Court, by an order dated 22.6.2015, directed the Registry to call for a report from the learned II Additional District and Sessions Judge, Poonamallee with regard to the status of the case in S.C.No.192 of 2010 and the learned Judge has sent a report stating that since NBW is pending against some of the accused, the trial of the case has not commenced so far.

6. Considering the facts and circumstances of the case and considering the period of incarceration undergone by the petitioners and taking note of the fact that the trial in this case has not yet commenced, I am of the opinion, bail could be granted to the petitioners by imposing stringent conditions.

7. Accordingly, the petitioners are ordered to be released on bail, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to

the satisfaction of learned II Additional District and Sessions Judge, Poonamallee and on further condition that the petitioners shall appear before the trial Court on all hearing dates without fail.

30.06.2015

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DATED: 30.06.2015